

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

DAVID BROADWAY,

Plaintiff,

vs.

KARI ANN MEEK and ALLSTATE
INSURANCE CO.,

Defendant.

CV 17-33-GF-BMM

**MEMORANDUM
AND ORDER**

BACKGROUND

Plaintiff David Broadway (Broadway) filed this action in the Montana Eighth Judicial District Court, Cascade County on April 5, 2016. (Doc. 3). This case arises out of an automobile accident that occurred in Great Falls, Montana on July 9, 2014. Kari Meek (Meek) was the named defendant in the Complaint.

Broadway settled his claims against Meek on April 6, 2016. Broadway executed a Release of Claims on April 6, 2016, in which he released all claims against Meek. (Doc. 9-1). Broadway filed an Amended Complaint on March 10, 2017, adding Allstate Insurance Company (Allstate) as a defendant along with Meek. (Doc. 4).

Allstate moved to remand on April 10, 2017, based upon diversity of citizenship. (Doc. 1). Broadway has moved to remand. Broadway argues that complete diversity of citizenship fails to exist because he and Meek are both citizens of Montana. Allstate opposes the motion.

DISCUSSION

A court must determine diversity jurisdiction at the time that “the complaint is filed and removal is effected.” *Strotek Corp. v. Air Transport Ass’n of America*, 300 F.3d 1129, 1131 (9th Cir. 2002). “Defendants who are nominal parties with nothing at stake may be disregarded in determining diversity [jurisdiction], despite the propriety of their technical joinder.” *Strotek*, 300 F.3d at 1133.

Broadway filed his Amended Complaint on March 10, 2017. Meek was a nominal party on that date. Broadway had settled all of his claims against Meek on April 6, 2016, and had released Meek of all liability with respect to the July 9, 2014, automobile accident. (Doc. 9-1). Meek lacked any stake in this case when Broadway filed the Amended Complaint. The Court must disregard Meek’s citizenship in determining whether diversity exists. *Strotek*, 300 F.3d at 1132.

Complete diversity of citizenship exists between Broadway and Allstate. Broadway is a Montana citizen. Allstate is a citizen of Illinois. (Doc. 1 at 4). The

amount in controversy exceeds \$75,000. (Doc. 4 at 3). Removal based on diversity of citizenship was appropriate.

Accordingly, IT IS ORDERED:

Plaintiff's Amended Motion to Remand (Doc. 8) is DENIED.

DATED this 18th day of May, 2017.



Brian Morris
United States District Court Judge